

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NICHOLAS OTOMO, an individual;
TIMOTHY MCCRIGHT, an individual,
on behalf of themselves and all those
similarly situated,

2:10-CV-2199 JCM (GWF)

Plaintiffs,

V.

NEVADA ASSOCIATION SERVICES,
INC., a Nevada corporation; and
DAVID STONE, an individual,

Defendants.

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Foley. Doc. # 91). No objections have been filed even though the deadline for filing objections has passed.

After granting defendants' motion to enforce settlement, Magistrate Judge Foley recommended that judgment be entered in favor of defendants in the amount of \$3,507.02. (Doc. # 1). Judge Foley also recommended that plaintiff be required to submit a financial affidavit to allow the court to determine an appropriate award of attorneys' fees. *Id.*

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

1 Where a party fails to object, however, the court is not required to conduct “any review at all
2 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
3 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
4 judge’s report and recommendation where no objections have been filed. *See United States v.*
5 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
6 district court when reviewing a report and recommendation to which no objections were made); *see*
7 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s
8 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review “any
9 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s
10 recommendation, then this court may accept the recommendation without review. *See, e.g.*,
11 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation
12 to which no objection was filed).

13 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
14 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
15 and underlying briefs, this court finds good cause appears to ADOPT the magistrate judge's findings
16 in full.

17 || Accordingly,

18 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
19 recommendation of Magistrate Judge Foley (doc. # 91) are ADOPTED in their entirety.

20 IT IS FURTHER ORDERED that judgment be entered against plaintiff Nicolas Otomo in
21 favor of defendants in the amount of \$3,507.02.

22 IT IS FURTHER ORDERED that plaintiff shall file a financial affidavit within thirty days
23 of the entry of judgment in order to allow the court to determine an appropriate award of attorneys'
24 fees against plaintiff.

25 DATED April 17, 2014.

James C. Mahan
UNITED STATES DISTRICT JUDGE